

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS,

Plaintiff,

vs.

JOSEPH D. GIAMPA, FREDERICK T.
GIAMPA, ADVANCED SPINE CENTERS,
INC., d/b/a FIRST SPINE REHAB, FUTURE
MANAGEMENT CORPORATION, FUTURE
MANAGEMENT BUSINESS TRUST,
EDWARD KENNEDY, BRIAN J.
CULLINEY, D.C. and JENNIFER
McCONNELL, D.C.

Defendants.

Civil Action No. 1:05-cv-11693-RCL

**PLAINTIFF'S MOTION TO COMPEL COMPLAINT WITH SUBPOENA
DUCES TECUM**

NOW COMES the plaintiff, Encompass Insurance Company of Massachusetts (hereinafter "Encompass") and respectfully requests that this Honorable Court enter an Order COMPELLING compliance with the subpoenas served upon: (1) Keeper of Records, Robert T. Kennedy, Inc. d/b/a Kennedy Professional Supply; (2) Keeper of Records, First Health Products, Inc.; and (3) Keeper of Records, Advanced Health Products (the successor-in-interest to Kennedy Professional Supply and First Health Products) in connection with the instant litigation. Encompass hereby submits the within memorandum of law in support of the instant motion.

WHEREFORE, for all the reasons that follow, plaintiff, Encompass Insurance Company, respectfully requests that this Honorable Court enter an Order **COMPELLING**: 1) Keeper of Records, Robert T. Kennedy, Inc. d/b/a Kennedy Professional Supply; (2) Keeper of Records, First Health Products, Inc.; and/or (3)

Keeper of Records, Advanced Health Products, to comply with subpoenas directed at discovering the relationship between FMC and the Kennedy Supply entities.

Respectfully submitted,
Encompass Insurance Company,
By its attorneys,

/s/ Richard D. King, Jr.

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Dated: September 26, 2007